THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

W.P.No.5550 of 2002

Date:18.07.2007

Between:

S.V.Vocational Junior College

.. PETITIONER

AND

The Directorate of Intermediate Education and others.

..RESPONDENTS

ORDER:

The petitioner is a Vocational Junior College, functioning at Hyderabad. The Secretary, Board of Intermediate Education accorded permission to the petitioner to commence six vocational courses, which are related to the medical field, *vide* proceedings, dated 12.05.2001. The petitioner had commenced the courses with effect from the academic year 2001-2002. It is stated that the fee structure for these courses was fixed in accordance with the guidelines issued by the Government in G.O.Ms.No.304 Health, Medical and Family Welfare (K2) Department, dated 07.08.1997, for the diploma courses mentioned therein.

The petitioner states that it had admitted the candidates belonging to S.C. and S.T. categories, sponsored by respondent Nos. 4 and 5 respectively, for the two academic years and the fee payable for the candidates is to be reimbursed by respondent Nos. 4 and 5. It is alleged that though respondent No.5 reimbursed the fee for the four scheduled tribe candidates for the year 2001-2002, the fee for the subsequent years was not paid and that the

respondent No.4, who sponsored as many as thirteen candidates, did not release any amount at all.

Respondent No.4 filed a counter-affidavit. It is stated that the fee structure said to have been adopted by the petitioner is contrary to the relevant provisions and that the vocational course imparted by the Junior Colleges cannot be equated to the diploma course recognized by the Medical and Health Department. By referring to various proceedings, it was, ultimately, pleaded that the fee structures for the vocational course is the one stipulated in the proceedings, dated 21.06.2001, issued by the Board of Intermediate Education. The contention of the petitioner that respondent No.4 sponsored the candidates belonging to S.C. and did not pay the tuition fee is not refuted.

Heard the learned counsel for the petitioner and the learned Government Pleader for Social Welfare.

The petitioner was accorded permission to introduce six vocational courses by the Board of Intermediate Education. The proceedings, through which the permission was accorded, is silent as to the fee structure. The petitioner had adopted the one provided for in G.O.Ms.No.304, dated 07.08.1997. However, there is substantial difference, not only as regards the nomenclature of the courses, but also the pattern thereof. Therefore, the fee structures prescribed under G.O.Ms.No.304, dated 07.08.1997, cannot be adopted by the petitioner.

From the proceedings, dated 04.04.2002 and 21.06.2001, issued by the Commissioner of Intermediate Education, it is evident that the fee payable for the vocational courses is Rs.560/- for the first year and Rs.616/- for the second year with effect from

the academic year 2001-2002. Therefore, the petitioner cannot claim or levy anything more than that.

Respondent No.4 does not deny his liability to reimburse the fee payable by the candidates belonging to scheduled caste. So is the case with respondent No.5. The amount payable for the scheduled tribe candidates has also been released by respondent No.5 for one year and that will take care of the fee for the second year also.

For the foregoing reasons, the writ petition is partly allowed, directing respondent No.4 to release a sum of Rs.1,176/- each for the thirteen candidates sponsored by him, within a period of two months from today. In case the amount is not paid within two months, it shall carry interest at the rate of 12% from 01.01.2002. There shall be no order as to costs.

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18.07.2007

kdl

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